

known in the art that a single computer device may replicate the functionality of two or more interconnected computer devices that share data via a communication path." This statement is mistaken.

No person of ordinary skill in the art would consider a portable computer connected to a scanning system for the purpose of system diagnosis to be a component of that scanning system. Taken to its absurd extreme, such a proposition would lead to the assertion that the entire system disclosed by Levy, including the scanner and laptop computer at the remote site, the desktop computer at the host site and the Internet between the host and remote sites, constitute a "scanning system". As stated on page 2 (lines 1-8) of Applicant's specification:

Modern medical diagnostic systems typically include circuitry for acquiring image data and for transforming the data into a useable form, which is then processed to create a reconstructed image of features of interest within the patient. The image data acquisition and processing circuitry is sometimes referred to as a "scanner" if physical or electronic scanning occurs as part of the imaging process.

Once the image has been acquired by the scanning system, the mere transmission of the image to some other computer does not transform that other computer into a component of the scanning system. The portable computer of Levy performs no scanning function and thus does not constitute either a scanning system or a component of a scanning system. That the laptop computer of Levy plays no role in "scanning" is further demonstrated by the

fact that the direct link between the medical apparatus and the laptop computer is solely for the purpose of passing readings/data generated by the medical apparatus to the host site for analysis. Thus, the laptop computer and the medical apparatus of Levy, when connected by the aforementioned direct link, do not constitute a "scanning system".

Once one accepts that the laptop computer and medical apparatus of Levy do not read on the "medical diagnostic scanning system" recited in Applicants' claims, then the issue of obviousness becomes: Would it have been obvious to incorporate the video training software of the laptop computer disclosed by Levy into a scanning system? In other words, would it have been obvious to eliminate the laptop computer entirely? The answer is decidedly not. The crux of Levy's invention is the provision of a portable computer that can be used with any medical apparatus at any remote site. As stated in column 3, lines 10-13: "Preferably, the remote site assembly is portable to enable setup of the of the assembly in proximity to the device or process that is the subject of the conferencing session." More specifically, Levy discloses that the laptop or notebook computer can be moved from one medical apparatus to another at the same remote site, and can be carried to different remote sites. Any suggestion that the laptop computer software could be incorporated in the medical apparatus at the remote site is contrary to the teaching of Levy, since it would require that every medical apparatus be provided with such software.

This would defeat the entire concept disclosed in the Levy patent.

Since the fundamental premise underlying the Final Rejection is fatally flawed, the Applicants request that the Final Rejection be withdrawn and that this case be passed to issuance.

Respectfully submitted,

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Date

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August 18, 2003

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